

REMARKS

In the Office Action dated August 17, 2006, claims 1-18, 33-38 and 41 were rejected under 35 U.S.C. § 103 over U.S. Publication No. 2002/0131574 (Alleman).

Withdrawn claims 19-32, 39, 40, and 42 have been cancelled without prejudice, in favor of filing in a divisional application.

All pending claims were rejected as being obvious over Alleman alone. It is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to the claims.

It is noted that the filing date of Alleman is May 20, 2002, which is *after* the filing date of the present application. Therefore, based on the filing date of Alleman, Alleman does not constitute prior art with respect to the claims in the present application. However, Alleman is a CIP of prior application 09/466,504, filed December 17, 1999. The Office Action has failed to produce a copy of the specification of the '504 application. Since Alleman is a CIP of the '504 application, it is clear that Alleman discloses subject matter not found in the parent '504 application. Any subject matter in Alleman that is not present in the '504 Application would not constitute prior art against the present claims. Since the Office Action has failed to establish that the teachings relied upon by the Office Action is found in the '504 application, it is noted that the rejection is clearly defective.

Nevertheless, Applicant is also providing arguments below regarding why Alleman does not teach or suggest the claimed subject matter.

With respect to claim 1, the Office Action identified various steps in Figs. 2 and 4 of Alleman as corresponding to the tasks recited in claim 1. However, the sequence of steps in Alleman identified by the Office Action clearly does not match the sequence of tasks recited in claim 1.

For example, claim 1 recites a method that comprises: (1) receiving a call request over a network from a network entity associated with a calling party to establish an interactive call session; and (2) based on *data contained in the call request*, looking up information about the calling party. Note that task (2) above necessarily occurs *after* task (1). The Office Action indicated that steps 58-60 in Fig. 4 of Alleman constitute the task (1) of receiving the call request recited in claim 1, and steps 38 and 39 in Fig. 2 of Alleman constitute the task (2) of looking up

information about the calling party. Note, however, that steps 38 and 39 in Fig. 2 of Alleman occur *before* steps 58-60 in Fig. 4 of Alleman. As explicitly noted in Fig. 2, after steps 38 and 39, a subscriber telephone number (call-back number) is sent to a subscriber call response unit (note the reference to Fig. 4 in box 42 in Fig. 2), which subscriber telephone number is received by the call response unit at step 55 in Fig. 4. Steps 58-60 of Alleman, which were identified by the Office Action as being the task of receiving a call request recited in claim 1, occur *after* step 55 (and therefore, after steps 38 and 39 in Fig. 2). It would be *impossible* for steps 38 and 39 in Fig. 2 of Alleman to look up information about the calling party based on data contained in a call request received in steps 58-60, which occur *after* steps 38 and 39. In view of this defective application of claim 1 to Alleman, it is respectfully submitted that the obviousness rejection is clearly defective.

It is also clear that Alleman does not disclose or suggest providing received information about the calling party in the call request, as recited in claim 1. The Office Action cited step 55 in Fig. 4 of Alleman as being the providing task of claim 1. As taught by Alleman, a caller initiates the call to a system 12 that includes a caller response unit (CRU) 20 by dialing a telephone number of a system 12 that includes the CRU 20. Alleman, ¶ [0047]. The telephone number dialed by the caller is a DID number, which is delivered to a subscriber table server 21 (step 38 of Fig. 2), and which is followed by an attempt (step 39 in Fig. 2) to match the DID digits when a subscriber call-back number stored in the database of subscriber table server 21. Alleman, ¶ [0048]. If a favorable match results, then the CRU 20 provides a ring-back or tone to the caller, which caller then *terminates* the call to CRU 20 by hanging up. *Id.* When the caller hangs up concurrently with a valid DID match, then Alleman considers that a valid call attempt has been completed. Alleman, ¶ [0049]. After the caller has hung up, the CRU 20 dials the subscriber call-back number that was matched at step 39 in Fig. 2 of Alleman. Alleman, ¶ [0049]. When the subscriber answers (note that the subscriber had previously hung up as a result of the valid ID match), the CRU 20 recognizes the off-hook (step 58 in Fig. 4), and prompts the subscriber to enter a called party number. Alleman, ¶ [0055]. The CRU 20 then seizes an outbound circuit and initiates the called party attempt. *Id.*

Thus, what is occurring in Alleman is a user calling a system 12 that contains a CRU 20, the CRU 20 matching the DID number of the user with a call-back number, and the user hanging

up after the match. The CRU 20 of Alleman then calls the matched call-back number, which is then answered by the user, following which the CRU 20 prompts the user to enter a called party number to establish a call with the called party.

Step 55 in Fig. 4 of Alleman refers to the CRU 20 receiving a subscriber call-back number *after the caller has hung up*. Therefore, the Office Action clearly erred in asserting that step 55 is considered providing the received information about the calling party and the call request, as the user has already hung up by the time the CRU receives the call-back number. Therefore, step 55 clearly cannot be considered providing received information about the calling party in the call request, as the call request has already been terminated by the caller hanging up.

In view of the foregoing, it is clear that Alleman does not teach or suggest all elements of claim 1; therefore, a *prima facie* case of obviousness has not been established with respect to the claim 1.

Independent claim 33 is similarly allowable over Alleman.

Independent claim 37 is also allowable for similar reasons as claim 1. Moreover, claim 37 recites looking up information regarding *purchases of a calling party* in response to receiving the request, and providing the information *regarding purchases of the calling party* in the body portion of the request. The Office Action merely stated that the claim 37 was rejected for reasons similar to those of claim 1-18 and 41. The Office Action has provided no indication of what in Alleman constitutes information regarding purchases of a calling party. Alleman clearly does not provide any suggestion of this feature in claim 37 (or independent claim 41, which depends from claim 1). Therefore, this is a further reason that claim 37 and claim 41 are allowable over Alleman.

With respect to claims 11-18, the Office Action conceded that Alleman does not disclose various features of the recited dependent claims. However, the Office Action took official notice that such features “are well known features in the art because it is only described [sic] the different types or formats of a communication message and those types of message are well known.” 8/17/2006 Office Action at 5.

Applicant respectfully traverses the taking of official notice in this context. The Office Action has cited to no evidence that would have suggested a modification of Alleman to incorporate the features recited in these dependent claims. If references exist that would provide

the requisite suggestion to modify Alleman to incorporate the features of these claims, Applicant respectfully requests the production of such references. Absent the required references that suggest the modification of Alleman to achieve the claimed subject matter, the obviousness rejection based on official notice is clearly defective.


Similar reasons apply for dependent claims 34, 35 and 38.

In view of the foregoing, allowance of all claims is respectfully requested.

The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0081US).

Respectfully submitted,

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